c/fm

(3)

IN THE HIGH COURT OF CHHATTISGARH AT BILASPUR (C.G.)

W.P. No. 581 /2002

PETITIONER — Gendram S/o Dhaneo Rathore, aged about 40 years, R/o Village Shivni, Tah. Champa, Distt. Janjgir (C.G.)

VERSUS

RESPONDENTS

1) State of Chhattisgarh, Through : District Collector, District: Janjgir Champa (C.G.)

Sub Divisional Officer, Tah. Champa, Distt. Janjgir-Champa (C.G.)

3) The Nayab Tahsildar, Tahsil- Champa, Distt. Janjgir- (Chhattisgarh)

P.R. No. 581/02 Presented in the memo/mail/fax dated 16-01-02

PETITION UNDER ARTICLES 226/227 OF THE CONSTITUTION OF INDIA FOR ISSUING WRIT IN THE NATURE OF CERCIORARI, MANDAMUS, CO-WARRANTO, PROHIBITION, FOR APPROPRIATE DIRECTION.

XI-HC-22

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(18)

आदेश पत्रक

W.P. No. 581/2002

मामला क्रमांक ..... सन् 200

..... विरुद्ध .....

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

13/11/2002

Shri Sushil Dubey, counsel for the petitioner.

Having heard the learned counsel, this Court is not inclined to entertain this writ petition, which is directed against issuance of notice by the Court of Nayab Tahsildar, Tah. Champa, District Janjgir (Champa). As is clear from the notice, the petitioner has been called upon to deliver possession of land bearing Khasra No. 1698/3 measuring 1.66 acres situated at Shivni Patwari Halka No.3 in terms of the order dated 19/05/1989 passed in Case No. 1A/90-B/88-89.

According to the petitioner, since there is no order directing him to deliver possession, the action is bad, null and void. In case what he says is correct, it is for the petitioner to approach the Authority by filing suitable objection. In such an eventuality, it is for the Authority to inquire into the matter. As the matter stands, the question of interference with such an order does not arise in these proceedings. If a remedy is available to the petitioner under common law he is free to avail the same. It is alleged that there is standing crop over the land

उच्च न्यायालय, छत्तीसगढ़, बिलासपुर

(19)

आदेश पत्रक

मामला क्रमांक WP 581/2002 सन् 200

-2-

विरुद्ध

आदेश का दिनांक आदेश क्रमांक सहित	आदेश हस्ताक्षर सहित	कार्यालयीन मामलों में डिप्टी रजिस्ट्रार के अन्तिम आदेश

in question. This is a fact, which can be brought to the notice of the appropriate authority in which event the said Authority shall take appropriate action to protect the interest of the petitioner to that limited extent i.e., permit him to remove the crop.

With the above directions and observations this writ petition stands disposed of. Consequently I.A. No. 1456/2002 for urgent hearing also stand disposed of.

Sd/-
P.C. Naik
Judge